S.B.Civil Writ Petition NO.7108/2003

M/s. Mohinudin Art Handicrafts

vs

The Bank of Rajasthan Ltd. & Ors.

DATE OF ORDER : - 6.1.2005

HON'BLE MR. PRAKASH TATIA,J.

Mr. U.S.Gehlot, for the petitioner.
Mr.P.K.Bhansali, for the respondent

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Heard learned counsel for the parties.

This writ petition is against the orders dated 3rd Dec., 2003 and 10th Dec., 2003 by which the evidence of the petitioner was closed by the trial court and petitioner's prayer for giving one more opportunity to produce evidence was rejected by the trial court. It appears that petitioner before this took two adjournments for producing the evidence, but on 3rd Dec., 2003, the trial court closed the evidence of the petitioner as according to trial court, the reason given by the petitioner was not sufficient for adjourning the case. However, the petitioner on next date, just after seven days, submitted an application for one more opportunity. Since the petitioner is seeking last opportunity and he moved application for permitting his evidence within

seven days, therefore, in peculiar facts of this case, the petitioner can be granted one more opportunity to produce evidence on one date only subject to schedule of the court.

In view of the above, the petitioner is permitted to produce his all evidence on 24.1.2005 on condition of payment of Rs,2,000/- to the respondent. In case, the evidence of the defendant is not completed on 24.1.2005 by the trial court, the trial court may fix the date for recording the evidence of the petitioner as per the convenience. In case, the petitioner failed to produce witness on 24.1.2005, no further opportunity shall be granted to the petitioner for producing evidence and the trial court may proceed with the suit.

In view of the above, the writ petition of the petitioner is allowed.

(Prakash Tatia), J.

c.p.goyal/-